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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,186	05/11/2001	Benson Hougland	59502-272590	7233

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EXAMINER

LEE, PHILIP C

ART UNIT PAPER NUMBER

2154

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,186

Applicant(s)

HOUGLAND ET AL.

Examiner

Philip C Lee

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-17 are presented for examination.

Claim Rejections – 35 USC 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
4. Claims 1-2, 6-8, 10-12 and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumar et al, U.S. Patent 6,665,731 (hereinafter Kumar).

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5. As per claim 1, Kumar taught the invention as claimed comprising:
a network interface configured to receive an input formatted in eXtensible Markup Language from a remote computer (col. 4, lines 45-64);
a parser, coupled to the network interface, configured to parse the input, configured to determine a control action encoded within the input (col. 5, lines 58-col. 6, lines 7).
6. As per claim 2, Kumar taught the invention as claimed in claim 1 above. Kumar further taught a data port configured to receive an input/output module (col. 4, lines 9-14).
7. As per claims 6, 10 and 14, Kumar taught the invention as claimed comprising:
receiving an eXtensible Markup Language input containing an action relevant to a control function (col. 4, lines 45-64; col. 5, lines 58-col. 6, lines 7);
executing the action relevant to the control function (col. 5, lines 58-col. 6, lines 7; col. 8, lines 32-35).
8. As per claims 7, 11 and 15, Kumar taught the invention as claimed in claims 6, 10 and 14 above. Kumar further taught comprising:
parsing the eXtensible Markup Language input to determine the action relevant to the control function (col. 5, lines 58-col. 6, lines 7).

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9. As per claims 8, 12 and 16, Kumar taught the invention as claimed in claims 7, 11 and 15 above. Kumar further taught wherein the eXtensible Markup Language input is received from a remote computer (col. 4, lines 45-56).

Claim Rejections – 35 USC 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3-5, 9, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar in view of Graber et al, U.S. Patent 5,162,986 (hereinafter Graber).

12. As per claim 3, Kumar taught the invention as claimed in claim 2 above. Kumar did not specifically detailing the control action with the address of the input/output module. Graber further taught wherein the control action specifies the address of the input/output module (col. 14, lines 57-col. 15, lines 22).

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kumar and Graber because Graber's

system of specifying the address of the input/output module would increase the efficiency of Kumar's system by allowing control action to be directed to the input/output module according to the address in the control action.

14. As per claims 4, 9, 13 and 17, Kumar and Graber taught the invention substantially as claimed in claims 3, 8, 12 and 16 above. Graber further taught an input analyzer, coupled to the parser, configured to map the control action to the input/output module (col. 14, lines 57-col. 15, lines 22).

15. As per claim 5, Kumar and Graber taught the invention as claimed in claim 4 above. Graber further taught a control manager, coupled to the input analyzer, configured to initiate the control action with the input/output module (col. 5, lines 58-col. 6, lines 7; col. 8, lines 32-35).

CONCLUSION

16. A shortened statutory period for reply to this Office action is set to expire **THREE MONTHS** from the mailing date of this action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (703)305-7721.

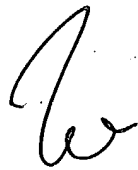
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The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)350-6121.

P.L.



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100